

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**AMENDED SECOND AMENDED
MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Michelle Boudreau

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

Not applicable **Jimmy Kerlin**

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Georgia **Massachusetts**

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Massachusetts

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Massachusetts

7. District Court and Division in which venue would be proper absent direct filing:

District Court for the District of Massachusetts

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

X G2[®] Vena Cava Filter

~~**X G2[®] Express (G2@X) Vena Cava Filter**~~

☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali[®] Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

09/08/2008

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

X Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence – Failure to Warn

X Count VIII: Negligent Misrepresentation

X Count IX: Negligence *Per Se*

X Count X: Breach of Express Warranty

X Count XI: Breach of Implied Warranty

- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Massachusetts Law
Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

☐ ~~Count XV: Loss of Consortium~~

☒ **Count XV: Loss of Consortium**

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts
supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 15th day of February, 2017.

BABBITT & JOHNSON, P.A.

By: /s/ Joseph R. Johnson
Joseph R. Johnson (Fla. Bar No. 372250)
Suite 100
1641 Worthington Road
West Palm Beach, FL 33409

(561) 684-2500

jjohnson@babbitt-johnson.com